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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,700	10/17/2005	Atsushi Murashima	G0126.0242	1998
32172	7590	06/13/2007	EXAMINER	
DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714			ABEBE, DANIEL DEMELASH	
ART UNIT		PAPER NUMBER		
2626				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/553,700	MURASHIMA, ATSUSHI
Examiner	Art Unit	
Daniel D. Abebe	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-6 and 9-14 is/are rejected.
- 7) Claim(s) 7 and 8 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application
- 6) Other: ____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-6 and 9-14 are rejected under 35 U.S.C. 102(a) as being anticipated by the background of the application and particularly figure 5, depicting a conventional code conversion device.

As to claim 1, the figure and the corresponding disclosure on page 2, explains a code conversion method for converting a code encoded according to a first method to a code encoded according to a second method, by first decoding the encoded data (1A), then judging whether the audio is noise or not (5) and then encoding the audio data according to a second method (2A) where a second encoded data string is generated (4) (page 2, lines 22-28).

As to claims 2-4, according to the conventional code converter disclosed at the background of the present application, header and frame type information determining the input data are determined at the decoder, and transferred to the judging circuit while the payload is transferred to the second encode, for encoding in the second method based on the type of signal that is received by the judging circuit (Page 3, lines 10-15; Fig.5).

Claims 5-6 and 9-14 are analogous to the claims above and are rejected for the foregoing reasons.

Allowable Subject Matter

Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: claims 7-8 are allowable because the decoding device having audio decoding circuit and noise decoding circuit as recited in the claims are not described in the transcoder admitted at the background of the present application.

Response to Arguments

Applicant's arguments filed 3/19/2007 have been fully considered but they are not persuasive.

the examiner obtains the rejection based on the disclosure as shown below.

An audio decoding device 1A shown in FIG. 5 is operated to decode an audio signal or a non-audio signal, such as noise, in response to a first code string input through an input terminal 3 by a first decoding method corresponding to a first encoding method, and to output the decoded signal as a first decoded signal to both an audio encoding device 2A and an audio detection device 5.

The audio detection device 5 receives the first decoded signal output from the audio decoding device 1A, judges whether the first decoded signal specifies an audio section or a non-audio section, and outputs an audio detection result flag to the audio encoding device 2A on the basis of a result of the judgment. An audio detection method is described in detail in the 3GPP Specification or the like. Thus, it is not described in detail here (Nonpatent Document 3 "AMR speech

Applicant's argument claiming that in the prior art Fig.5 an audio detection is used to judge the signal will not over come the rejection as the claim is broadly citing

“judging whether the signal is audio or non-audio from the code information”. As its shown above, judging whether the signal is non audio or audio signal is conducted by the conventional system by processing the code information from the decoded data.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Abebe Primary Examiner A.U. 2626



June 6, 2007